IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3310 OF 2003

IN

APPEAL NO. 949 OF 2003

AND

APPEAL NO. 949 OF 2003

IN

ARBITTRATION PETITION NO. 318 OF 2002

Union of India ... Appellant
(Org. Petitioner)

Versus

Shri Hari Udyog & Anr. ... Respondents
(Orig. Respondents)

Mr. Suresh Kumar for appellant.

None for respondents.

CORAM: D.K.DESHMUKH &
J.H.BHATIA,JJ.

DATE : 13th August, 2007.

P.C.

1. We have heard learned Counsel appearing for the appellant on the question of delay as also on merits of the appeal.

2. By the order impugned in the Appeal, the learned Single Judge has rejected the Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the ex-parte award made by the arbitrator against the appellant. Two points were raised before the learned Single Judge. The first point was that the arbitrator was not justified in making the ex-parte award. Perusal of the order shows that the learned Single Judge has considered this issue in detail and has held that in view of the total inaction on the part of the appellant, no fault can be found with the arbitrator in proceeding ex-parte. The next point urged before the learned Single Judge was that the appointment of the arbitrator was invalid because the arbitrator was appointed by the District Judge. The learned Single Judge observed that the appointment made by the learned District Judge was challenged before the High Court and the High Court dismissed the Petition filed by the appellant and, therefore, the learned Single Judge rejected that challenge also.

3. We find nothing illegal in the order impugned in the Appeal. The Motion and the Appeal are, therefore, disposed of.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)